

ORIGINAL

FILED

DISTRICT COURT OF GUAM

OCT - 5 2005 *nbw*

MARY L.M. MORAN
CLERK OF COURT

Zhongfengxueind

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Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff.

vs.

ZHONGFENG XUE,

Defendant.

CRIMINAL CASE NO.

05-00071

INDICTMENT

**FALSE SWEARING IN
IMMIGRATION MATTER**

[18 U.S.C. § 1546(a)]

PERJURY

[18 U.S.C. § 1621]

THE GRAND JURY CHARGES:

COUNT 1 - FALSE SWEARING IN IMMIGRATION MATTER

On or about the 25th day of March, 2005, in the District of Guam, the defendant, ZHONGFENG XUE, did knowingly subscribe as true under penalty of perjury under 28 U.S.C. § 1746, a false statement with respect to a material fact in an Application for Asylum and for Withholding of Removal, a document required by immigration law or regulation prescribed thereunder, to wit, that is, that he had never been in immigration court proceeding; that he had last left his country on June 13, 2004; that his most recent entry into the United States was on Guam on October 15, 2004; and that he had come to Guam on a fishing boat in October of 2004,

1 which said statements the defendant then and there knew were false, in that he had previously
2 been in immigration court proceedings; had not left his country on June 13, 2004; his most recent
3 entry into the United States was not on Guam on October 15, 2004; and that he had not come to
4 Guam on a fishing boat in October of 2004, in violation of Title 18, United States Code, Section
5 1546(a).

6
7 **COUNT 2 - PERJURY**

8 1. On or about the 25th day of March, 2005, in the District of Guam, ZHONGFENG
9 XUE, did submit a material written Application for Asylum and for Withholding of Removal,
10 executed under penalty of perjury under the format of 28 U.S.C. § 1746, in which he did willfully
11 and knowingly state material matters which he did not believe to be true, that is to say: that he
12 had never been in immigration court proceeding; that he had last left his country on June 13,
13 2004; that his most recent entry into the United States was on Guam on October 15, 2004; and
14 that he had come to Guam on a fishing boat in October of 2004.

15 2. At the time and place aforesaid the Immigration and Naturalization Service (INS), did
16 require that applications for asylum by it be in writing and executed in the format provided by 28
17 U.S.C. § 1746. It was material to such asylum application that the applicants state if the
18 applicant had ever previously been in immigration court proceeding, when the applicant had last
19 left his country, when was the applicant's most recent entry into the country.

20 3. At the time and place aforesaid, ZHONGFENG XUE, submitted a signed written
21 Application for Asylum to the INS, which contained the following statement: "I declare under
22 penalty of perjury that the forgoing is true and correct. Executed on March 25, 2005. Signature
23 Zhongfeng Xue." The application signed and submitted by ZHONGFENG XUE, did falsely
24 state that the statements in paragraph one, above, were true.

25 4. The aforesaid statements in the application signed and submitted by ZHONGFENG
26 XUE, as he then and there well knew and believed, were false in that he had previously been in
27

1 immigration court proceedings; had not left his country on June 13, 2004; his most recent entry
2 into the United States was not on Guam on October 15, 2004; and that he had not come to Guam
3 on a fishing boat in October of 2004

4 All in violation of Title 18, United States Code, Section 1621.

5 Dated this 5th day of October, 2005.


6 A TRUE BILL.

7
8 
9 Foreperson

10 LEONARDO M. RAPADAS
11 United States Attorney
12 Districts of Guam and NMI

13 By:

14 
15 FREDERICK A. BLACK
16 Assistant U.S. Attorney

17 
18 RUSSELL C. STODDARD
19 First Assistant U.S. Attorney
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Place of Offense:

City Hagåtña

Related Case Information:

Country/Parish _____

Superseding Indictment _____ Docket Number 05-00071Same Defendant _____ New Defendant X

Search Warrant Case Number _____

R 20/ R 40 from District of _____

Defendant Information:

Juvenile: Yes _____ No X Matter to be sealed: _____ Yes X NoDefendant Name Zhongfeng Xue

Alias Name _____

Address _____

Birthdate 1969 SS# None Sex M Race A Nationality Chinese

U.S. Attorney Information:

AUSA Frederick A. BlackInterpreter: _____ No X Yes List language and/or dialect: Chinese/Mandarin

Location Status:

Arrest Date _____

☐ Already in Federal Custody as of _____ in _____☐ Already in State Custody☐ On Pretrial Release

U.S.C. Citations

Total # of Counts: 2 _____ Petty _____ Misdemeanor X Felony

Index Key/Code

Description of Offense Charged

Count(s)

Set 1 18 USC 1546 False Swearing in Immigration Matter 1Set 2 18 USC 1621 Perjury 2

Set 3 _____

Set 4 _____

(May be continued on reverse)

Date: 10-6-05 Signature of AUSA: Frederick A. Black**RECEIVED**

OCT - 6 2005

DISTRICT COURT OF GUAM
HAGATNA, GUAM